REMARKS

Claims 10-29 are pending in the present application.

Lack of Unity Determination

According to the Office, Restriction is required under 35 U.S.C. Sections 121 and 372 between the claims based on the following Groups:

1) Claims 10-20, drawn to a composition comprising at least one conjugated linoleyl alcohol; and
2) Claims 21-29, drawn to a method of providing the composition above for administering to a human or an animal.

According to the Office, Restriction is proper because the claims of Groups 1 and 2 "do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature.... "

The Requirement is respectfully traversed.

37 C.F.R. 1.475 (b) provides in relevant part that:

"(b) An international or a national stage application containing claims to different categories of invention **will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories**:

(1) A product and a process specially adapted for the manufacture of said product; or

(2) **A product and a process of use of said product**; or... (emphasis supplied)."

In the present application, claims 10-20 are drawn to "a product" and claims 21-29 are drawn to "a process of use of said product." These claims thus clearly comply with the unity of invention provisions of 37 C.F.R. 1.475 (b)(2).

Accordingly, the claims of the present application have unity of invention, as expressly specified in Rule 1.475 above.

The Office has no appropriate course of action here other than to comply with the express language of 37 C.F.R. 1.475, and withdraw the lack of unity of invention determination.

Nonetheless, in compliance with the Requirement, Applicants provisionally elect claims 10-21 of Group 1.

It is respectfully submitted however, for the reasons stated above, that Rule 1.475 mandates the Office to withdraw the Requirement and examine all claims of the present application on the merits.

Applicants note with appreciation, the Office's comments on rejoinder of non-elected process claims at pages 4 and 5 of the Office Action.

2) Election of Species

According to the Office, an election of species is required among the claims to:

a) the cis- and trans-isomers of a conjugated linoleyl alcohol;

b) conjugated linoleic acid, conjugated linoleic esters, and mixtures thereof; and

c) R groups of the conjugated linoleic acid ester of formula (I).

The Election requirement is respectfully traversed. Simply stated, Applicants do not understand the requirement and a determination here by the Office that the claims of the present application represent "more than one species of the generic invention."

Applicants are not clear on what the Office considers to be the "genus" in this instance.

For instance, claim 10 calls for at least one conjugated linoleyl alcohol selected from the specified cis- and trans-isomers.

And claim 14, which depends from claim 10, calls for "an additional component selected from the group consisting of conjugated linoleic acid, conjugated linoleic acid esters and mixtures thereof."

It is thus respectfully submitted that the Office has erred in the determination that an alcohol, an acid, and an acid ester are species of the same genus.

Furthermore, the conjugated linoleic acid and acid esters are claimed as additional components in combination with the conjugated linoleyl alcohol.

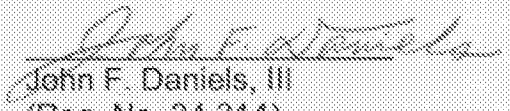
The Office is respectfully requested to reconsider and withdraw the election requirement.

In compliance with the Requirement, Applicants provisionally elect the cis- and trans-isomers of conjugated linoleyl alcohol, which is identified as "i" at page 3 of the Office Action.

Claims 10-13, 19-25, and 29 read on the provisionally elected "species".

Favorable reconsideration and an early action on the merits on all pending claims are respectfully solicited.

Respectfully submitted,



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